



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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January 24, 2003

Mr. G. Bradley Richards, Chairman
Waste Management Council
P.O. Box 399
Rye Beach, NH 03871

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JAN 28 2003

**Subject: Docket #01-10WMC/Permit Modification Denial Appeal/GDS Transfer
Facility/DES-SW-LP-93-508/Newport, New Hampshire**

Dear Mr. Richards:

As requested, the New Hampshire Department of Environmental Services, Waste Management Division (Department), is hereby providing the following brief chronology of the Subject permit modification denial which led to an appeal by Casella Waste Management, Inc. (Casella) to the Waste Management Council (Council). The facility is located in Newport, New Hampshire and is known as the GDS Transfer Facility.

- A permit modification application was received by the Department on January 25, 2001 from Casella seeking permission "to allow acceptance of waste from New Hampshire and Vermont on the facility's tipping floor for transfer to disposal facilities in and out of New Hampshire."
- Following a completeness determination by the Department on February 14, 2001, a public hearing was held on Thursday, March 15, 2001 at the Town of Newport Municipal Building.
- Following a technical review of the completed application, the Department issued an April 30, 2001 denial to the applicant stating, "The modification as presented would not provide a substantial public benefit to New Hampshire citizens as required by RSA 149-M:11 and Env-Wm 2105.04."
- On May 30, 2001, Bryan Gould, Counsel for Casella, appealed the Department's denial decision to the Council.
- On September 24, 2001, a meeting was held at the Attorney General's office to discuss the denial of the application and subsequent appeal to the Council. In attendance were Richard Reed, Michael Guilfoy, and Wayne Wheeler of the Department; Richard Head of the Attorney General's office; and Bryan Gould, Counsel for Casella.

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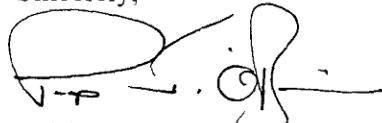
During the meeting, Attorney Gould proposed that Casella submit a revised application meeting the Department's public benefit requirements. The Department agreed with Attorney Gould's proposal.

- On October 14, 2001, Casella submitted a motion to the Council to stay its appeal pending the determination of the alternate permit modification application by the Department.
- Following the Department's review of an alternate, preliminary application, in conformance with Attorney Gould's above-mentioned proposal, an alternate final application was submitted by Casella on August 22, 2002.
- The Department provided comments on the final application to Casella on September 11, 2002; and a response was received from Casella on January 17, 2003.
- The Department is currently in the process of a completeness determination on the alternate application. Following the completeness determination, a public hearing, and technical review, the Department will make a final determination whether to issue or deny the alternate permit modification within the next few months.

In conclusion, the Department requests that Casella's appeal continue to be stayed until a final determination is made by the Department.

If you have any questions or comments, please call Wayne Wheeler, P.E. of the Solid Waste Management Bureau at 271-5185.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip J. O'Brien", with a stylized flourish at the end.

Philip J. O'Brien, Ph.D., P.G., Director
Waste Management Division

cc: Richard S. Reed, Wayne A. Wheeler, P.E., SWMB
Michael Sciafani, NHDES Legal Unit
SWMB files